

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 480 be amended to read as follows:

- 1 Page 8, delete lines 30 through 42, begin a new paragraph and insert:
- 2 "SECTION 17. IC 3-11-8-22.1 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE UPON PASSAGE]: **Sec. 22.1. (a) This subsection**
- 5 **applies to a voter:**
- 6 **(1) whose name does not appear on the poll list for the**
- 7 **precinct; and**
- 8 **(2) who produces a certificate of error issued under**
- 9 **IC 3-7-48-1.**
- 10 **If the voter is not challenged under IC 3-10-1 or this chapter, the**
- 11 **voter must be provided with a regular official ballot. However, as**
- 12 **provided by IC 3-7-48-1(b), if the voter is challenged under**
- 13 **IC 3-10-1 or this chapter, the voter must cast a provisional ballot**
- 14 **after complying with IC 3-7-48-1(b) if the voter wishes to cast a**
- 15 **ballot.**
- 16 **(b) This subsection applies to a voter:**
- 17 **(1) whose name does not appear on the poll list for the**
- 18 **precinct; and**
- 19 **(2) who makes an oral or a written affirmation in compliance**
- 20 **with IC 3-7-48-5 that the voter and continues to reside in the**
- 21 **precinct at the address shown as the voter's former residence**
- 22 **in the voter registration record.**
- 23 **If the voter is not challenged under IC 3-10-1 or this chapter, the**
- 24 **voter must be provided with a regular official ballot. However, as**
- 25 **provided by IC 3-7-48-7.5, if the voter is challenged under**

1 IC 3-10-1 or this chapter, the voter must cast a provisional ballot
 2 after complying with IC 3-7-48-7.5 if the voter wishes to cast a
 3 ballot.

4 (c) This subsection applies to a voter:

5 (1) whose name does not appear on the poll list for the
 6 precinct; and

7 (2) who produces a registration receipt that complies with
 8 IC 3-7-48-7.

9 If the county election board provides the precinct election board
 10 with the information required under IC 3-7-48-7(2), and the voter
 11 is not challenged under IC 3-10-1 or this chapter, the voter must be
 12 provided with a regular official ballot. However, as provided by
 13 IC 3-7-48-7.5, is the voter is challenged under IC 3-10-1 or this
 14 chapter, the voter must cast a provisional ballot after complying
 15 with IC 3-7-48-7.5 if the voter wishes to cast a ballot.

16 (d) This subsection applies to a voter:

17 (1) whose name does not appear on the poll list for the
 18 precinct;

19 (2) who is not described by subsection (a), (b), or (c).

20 After the voter is challenged under IC 3-10-1 or this chapter, the
 21 voter shall be provided with a provisional ballot under IC 3-11.7
 22 instead of a regular official ballot if the voter wishes to cast a ballot.
 23 The voter may proceed to cast a provisional ballot after executing
 24 a challenged voter's affidavit under section 22 of this chapter if the
 25 voter wishes to cast a ballot.

26 (e) This subsection applies to a voter:

27 (1) whose name appears on the poll list for the precinct; and

28 (2) who no longer resides in the precinct, but is entitled to vote
 29 at the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.

30 If the voter executes an affidavit in compliance with IC 3-10-10,
 31 IC 3-10-11, or IC 3-10-12, and the voter is not challenged under
 32 IC 3-10-1 or this chapter, the voter must be provided with a
 33 regular official ballot. However, as provided by IC 3-10-10-9,
 34 IC 3-10-11-4.5, or IC 3-10-12-5, if the voter is challenged under
 35 IC 3-10-1 or this chapter, the voter must cast a provisional ballot
 36 if the voter wishes to cast a ballot.

37 (f) This subsection applies to a voter:

38 (1) whose name appears on the poll list for the precinct;

39 (2) who is not described in subsection (e).

40 If the voter is challenged under IC 3-10-1 or this chapter, the voter
 41 shall be provided with a provisional ballot under IC 3-11.7 instead
 42 of a regular official ballot if the voter wishes to cast a vote. The
 43 voter may proceed to cast a provisional ballot after executing a
 44 challenged voter's affidavit under section 22 of this chapter if the
 45 voter wishes to cast a ballot."

46 Page 9, delete lines 1 through 12.

Page 9, line 14, after "23." insert **"(a) As provided by IC 3-7-48-7.5, IC 3-10-10-9, IC 3-10-11-4.5, and IC 3-10-12-5, if a challenged voter has already made an affirmation or executed an affidavit under any of those sections, the challenged voter is not required to execute an additional affidavit under this section.**

(b)".

Page 9, line 36, after "list" insert ",".

Page 9, line 36, strike "and the individual is not entitled to".

Page 9, line 37, strike "vote".

Page 9, line 37, delete "a regular official ballot".

Page 9, line 37, strike "under IC 3-7-48-1, IC 3-7-48-5,".

Page 9, line 38, strike "IC 3-7-48-7, IC 3-10-10, IC 3-10-11-2, or IC 3-10-12,".

Page 18, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 30. IC 3-11.5-4-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) If an absentee ballot is challenged under section 15 of this chapter, the absentee voter's application for an absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person. In all other respects, the challenge procedure is the same as though the ballot was cast by the voter in person.

(b) If a proper affidavit by a qualified person in the form required by ~~IC 3-11-8-22~~ **IC 3-11-8-22.1** is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, the couriers shall return the affidavit to the county election board in the same envelope as the certificate returned under section 9 of this chapter.

(c) The absentee ballot cast by the challenged voter shall be counted if the county election board makes the findings required under section 11 of this chapter."

Page 18, line 14, strike "not permitted to vote" and insert **"challenged under IC 3-10-1 or IC 3-11-8 after the voter makes an oral or a written affirmation under IC 3-7-48-5 or IC 3-7-48-7, or after the voter produces a certificate of error".**

Page 18, line 14, delete "," and insert ".".

Page 18, strike lines 15 through 16.

Page 22, line 42, delete "IC 3-6-4.5-1 IS" and insert "THE FOLLOWING ARE"

- 1 Page 23, line 1, delete "." and insert ": IC 3-6-4.5-1; IC 3-11-8-22."
- 2 Renumber all SECTIONS consecutively.
(Reference is to ESB 480 as printed April 5, 2005.)

Representative Murphy